

**United States District Court
for the Southern District of Texas
Houston Division**

United States of America

v.

Wilmar Rene Duran Gomez

§
§
§
§
§

Criminal No. H-10-459

* * * * *

**JOINT MOTION TO CONTINUE DEADLINE REGARDING SCOPE OF
SUPPRESSION REMEDY ON THE MOTION TO SUPPRESS**

In its July 27, 2022, Order granting Defendant’s Motion to Suppress the Fruits of Unlawful Arrest, the Court directed the parties to “separately provide to the Court the scope of materials that is to be suppressed or submit an agreed statement concerning the same within 20 days.” (ECF No. 775) at 9-10. That submission was originally due to be submitted by August 16, 2022. That deadline was extended to October 25, 2022 on the Joint Motion of the parties to provide time to explore possible resolution short of trial.

Since that time, the parties have been working on negotiations, and progress has been made, but additional time is needed. In addition, visits with Mr. Duran Gomez had to be suspended recently because he contracted COVID-19 for a second time at FDC Houston, which makes him unavailable for visits or legal calls.

Therefore, the parties, through undersigned counsel, submit this Joint Motion to continue the October 25, 2022, deadline for approximately sixty (60) days for the parties to submit positions regarding the scope of suppression remedy on the Defendant’s Motion to Suppress the Fruits of Unlawful Arrest. The parties submit this request not for purposes of delay, but because they would like an opportunity to continue to discuss resolution of this case which, if successful, would moot the need for further litigation on the Motion to Suppress.

The parties also agree that the time before a final order issues, directing which items are subject to suppression pursuant to the Court's Order on the Motion to Suppress (ECF No. 775), should be excluded from computing the time within which trial must commence, in accordance with 18 U.S.C. § 3161(h)(1)(D), and Mr. Duran Gomez knowingly and voluntarily waives any speedy trial objection while this motion remains pending, including through December 22, 2022.

Undersigned counsel have conferred with counsel for the Government, who have indicated that they join this request.

A proposed order is attached.

Respectfully submitted,

For Wilmar Rene Duran Gomez:

/s/ Wendell A. Odom, Jr.

WENDELL A. ODOM, JR.
Texas State Bar # 15208500
Federal Bar # 0947
440 Louisiana, Suite 200
Houston, TX 77002
(713) 223-5575
(713) 224-2815 (FAX)

/s/ Neal Davis, III

NEAL DAVIS, III
Texas State Bar #24038541
Federal Bar # 706329
440 Louisiana, Suite 200
Houston, TX 77002
(713) 223-5575
(713) 224-2815 (FAX)

/s/ James Wyda

JAMES WYDA (#25298)
Federal Public Defender
Office of the Federal Public Defender
100 South Charles Street
Tower II, 9th Floor
Baltimore, Maryland 21201
(410) 962-3962
(410) 962-0872 (FAX)
Email: jim_wyda@fd.org

/s/ Julie L.B. Stelzig

JULIE L.B. STELZIG (#27746)
Assistant Federal Public Defender
6411 Ivy Lane, Suite 710
Greenbelt, Maryland 20770
(301) 344-0600
(301) 344-0019 (FAX)
Email: julie_stelzig@fd.org

for the United States of America:

JENNIFER B. LOWERY
UNITED STATES ATTORNEY
By:

Jill J. Stotts
Assistant United States Attorney
Texas Bar No. 24036841

Lisa M. Collins
Assistant United States Attorney
Texas Bar No. 24054166

1000 Louisiana St., Suite 2300
Houston, TX 77002
(713) 567-9000